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PATENT APPLICATION

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	**Travis J. Parry et al.**	**Confirmation No.:**	**8613**
Application No.:	**10/625,241**	**Examiner:**	**MILIA, Mark R.**
Filing Date:	**July 22, 2003**	**Group Art Unit:**	**2625**

Title: Methods and Systems for Providing Web Content to a Printing Device

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on April 28, 2009.

☐ The fee for filing this Appeal Brief is $540.00 (37 CFR 41.20).

☒ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month $130	☐ 2nd Month $490	☐ 3rd Month $1110	☐ 4th Month $1730

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of $ 00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Respectfully submitted,

Travis J. Parry et al.

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In the Patent Application of

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Filed: July 22, 2003

For: Methods and Systems for Providing Web Content to a Printing Device

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APPEAL BRIEF

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Sir:

In response to Appellants' filing of an Appeal Brief on October 16, 2008, the Examiner of this application reopened prosecution with a non-final Office Action dated January 30, 2009 (the "Office Action" or the "Action"). Having reviewed the new grounds of rejection raised in the Office Action of January 30th, Appellants hereby request re-instatement of the appeal in this application and files the present, updated Appeal Brief, along with a new Notice of Appeal, in support of the re-instated appeal.

I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no appeals or interferences related to the present application of which the Appellant is aware.

III. Status of Claims

Under the imposition of a previous Restriction Requirement, claims 7-26 and 38-52 were withdrawn from consideration and cancelled without prejudice or disclaimer. Thus, claims 1-6, 27-37, and 53-58 are pending in the application and stand finally rejected. Accordingly, Appellant appeals from the final rejection of claims 1-6, 27-37, and 53-58, which claims are presented in the Appendix.

IV. Status of Amendments

No amendments have been filed subsequent to the final Office Action of June 24, 2008, from which Appellant takes this appeal.

V. Summary of Claimed Subject Matter

Appellant's independent claims recite the following subject matter.

Claim 1 recites:

A method of providing web content (103) to a printing device (130), said method comprising attaching (201) a memory module (110) storing said web content (103) (*Appellant's specification, paragraph 0019*) to a printing device consumable (120) (*Appellant's specification, paragraph 0037*);

wherein said web content (103) comprises content that is included in a web page that is served up by said printing device (130) using an embedded web server (135) (*Appellant's specification, paragraph 0040*).

Claim 32 recites:

A consumable for use with a printing device, said consumable comprising:

a printing device consumable (120) (*Appellant's specification, paragraph 0023*);

a memory module (110) attached to said printing device consumable (120) (*Appellant's specification, paragraph 0037*); and

web content (103) stored on said memory module (110) (*Appellant's specification, paragraph 0019*), wherein said web content (103) is included in a web page served up by said printing device (130) using an embedded web server (135) (*Appellant's specification, paragraph 0040*).

Claim 53 recites:

A method of providing web content for a printing device, said method comprising:

storing (200) web content (103) on a memory module (110) attached to a printing device consumable (120) (*Appellant's specification, paragraph 0037*);

uploading (204) said web content (103) from said memory module (110) to said printing device (130) when said consumable (120) is installed in said printing device (130) (*Appellant's specification, paragraph 0038*); and

serving up a web page (205) with said printing device (130) using an embedded web server (135) (*Appellant's specification, paragraph 0040*), said web page comprising said web content (103) provided to said printing device (130) with said memory module (110) attached to said printing device consumable (120) (*Appellant's specification, paragraph 0040*).

VI. Grounds of Rejection to be Reviewed on Appeal

The final Office Action raised the following grounds of rejection.

(1) Claims 1-3, 32, 36 and 53 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of U.S. Patent No. 6,113,208 to Benjamin et al. ("Benjamin") and U.S. Patent App. Pub. No. 2003/0234957 to Ohara ("Ohara").

(2) Claims 1, 32-34 and 53 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of U.S. Patent No. 6,332,062 to Phillips ("Phillips") and Ohara.

(3) Claims 4-6 and 37 were rejected under 35 U.S.C. §103(a) over the combined teachings of Benjamin, Ohara and U.S. Patent No. 6,507,762 to Amro et al. ("Amro").

(4) Claims 27-28 and 54-55 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Phillips, Ohara, and U.S. Patent No. 6,532,351 to Richards ("Richards").

(5) Claims 29-31 and 56-58 were rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Phillips, Ohara, Richards, and U.S. Patent App. Pub. No. 2005/0240518 to Ishizuka ("Ishizuka").

(6) Claim 35 was rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Phillips, Ohara, and Richards.

According, Appellant hereby requests review of each of these grounds of rejection in the present appeal.

VII. Argument

(1) Claims 1-3, 32, 36 and 53 are patentable over Benjamin and Ohara:

Claim 1:

Independent claim 1 recites:

> A method of providing web content to a printing device, said method comprising attaching a memory module storing said web content to a printing device consumable;
> *wherein said web content comprises content that is included in a web page that is served up by said printing device using an embedded web server.*

(Emphasis added).

In contrast, the combination of Benjamin and Ohara does not teach or suggest a method of providing "web content" to a printing device using a memory module attached to a print consumable.

Claim 1 specifically recites and defines "web content" as "content that is included in a web page that is served up by said printing device using an embedded print server." Additionally, the claimed "web content," as recited within claim 1, is originating from "a memory module" attached to "a printing device consumable." The current Office Action again improperly ignores this subject matter recited in claim 1.

The recited origin of the "web content," i.e., from a memory module attached to a printing device consumable, provides the significant advantage of updating web content served up by a printing device simply by inserting new print consumables to the printing device. This subject matter is entirely outside the scope and content of the cited prior art.

To begin, Benjamin has nothing whatsoever to do with "web content" that is "included in a web page that is served up by said printing device using an embedded print server." As cited in the recent Office Action (Action, p. 5), Benjamin teaches the following.

> Turning to FIG. 4, the logic flow diagram shown therein illustrates the procedure of the invention when memory chip 20 includes a new printer driver identifier code.

> Upon installation of the new ink cartridge (decision box 50), microprocessor 40 causes the data recorded on memory chip 20 to be read, including any new printer driver identifier code recorded therein (box 52). The new printer driver identifier code is then compared with the identifier code of the current printer driver installed in printer 1 to determine if the new identifier code indicates a more recent printer driver version than the current identifier code. This determination can be readily made by (i) assuring that each identifier code includes a date portion that indicates the date of release of the identifier code, a later released code version being more updated than an earlier released version or (ii) by just assuring that version numbers increase sequentially.
>
> If the new printer driver identifier code is not more recent than the current identifier code, the procedure ends. If, by contrast, the new printer driver identifier code is more recent than the identifier of the current printer driver code, the procedure moves to box 56 wherein a message is displayed on display screen 44, indicating availability of the new printer driver. A listing is may also be provided of either an internet address or a telephone number where the new printer driver can be ordered. Further, the data read from the memory cartridge can automatically cause the printer's host processor to connect to the manufacturer's Internet website, where the user would have the opportunity of directly downloading an updated driver.

(Benjamin, col. 3, line 50 to col. 4, line 11).

Thus, Benjamin teaches storing a printer driver identifier code on a memory chip of an ink cartridge. Appellant notes that this "identifier code" is never displayed anywhere. Rather, it is used by the microprocessor (40) to determine whether the host (10) has the most current version of the printer driver. If not, "a message is displayed on display screen 44, indicating availability of the new printer driver." (*Id.*). However, the printer driver identifier code itself is never displayed anywhere. It is never served up as part of a web page.

Additionally, "data read from the memory cartridge can automatically cause the printer's host processor to connect to the manufacturer's Internet website, where the user would have the opportunity of directly downloading an updated driver." (*Id.*). Yet, again, this "data" for connecting to the manufacturer's Internet website is merely a web address and is never displayed anywhere. It may be used to request a web page, but is never served up as part of a web page.

Consequently, there is no data on the memory chip taught by Benjamin that qualifies as "web content" under the terms of claim 1. Specifically, there is no data on the memory chip taught by Benjamin that is "web content [comprising] content that is included in a web page that is served up by said printing device using an embedded web server." (Claim 1).

Without fully appreciating all the deficiencies of Benjamin outlined above, the Examiner does concede that Benjamin does not disclose "wherein said web content is served up by said printing device using an embedded web server." (Action, p. 5). Consequently, the Examiner cites Ohara. However, Ohara does not remedy the shortcomings of Benjamin. Specifically, Ohara does not teach "web content" as expressly defined in claim 1 that is originating from "a memory module" attached to "a printing device consumable."

In contrast, Ohara teaches a system in which information, in the form of a print job, is received by a printer over a network connection. (Ohara, Fig. 1; paragraph 0031). The printer comprises a Web server (25) that can provide "a printer function setting page, in which the setting of various functions of the printer 20 can be performed through the network NT, and a print progress monitoring page, which shows progress of a printing operation of a specified print request (print job)." (Ohara, paragraph 0033). Thus, while Ohara does teach a printer with a Web server, Ohara does not teach or suggest any aspect of the claimed method of providing web content to a printing device by "attaching a memory module storing said web content to a printing device consumable; wherein said web content comprises content that is included in a web page that is served up by said printing device using an embedded web server." (Claim 1).

Consequently, neither of the cited prior art references, singly or in combination, teach or suggest the claimed memory module on a consumable that stored web content which is

included in a web page served up by the printing device using an embedded web server. This subject matter is clearly absent from the scope and content of the cited prior art.

Moreover, the features and advantages of Appellant's claimed subject matter were not available in the prior art. A significant advantage taught by the Appellant, namely updating web content served by a printing device simply by inserting new print consumables to the printing device, is not taught or disclosed by the prior art.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Benjamin and Ohara, does not include the subject matter of claim 1, particularly, providing "web content" to a printing device using a "memory module attached to a print consumable."

The differences between the cited prior art and the claimed subject matter are significant because the claimed subject matter provides features and advantages that were not available in the cited prior art, namely periodically updating a web page served by a printer by simply inserting new print consumables into the printer. (*See* Appellant's specification, paragraphs 0022-0024, 0038). Consequently, the cited prior art will not support a rejection of claim 1 and its dependent claims under 35 U.S.C. § 103 and *Graham*.

Claim 32:

Independent claim 32 recites:

> A consumable for use with a printing device, said consumable comprising:
> a printing device consumable;
> a memory module attached to said printing device consumable; and

> *web content stored on said memory module, wherein said web content is included in a web page served up by said printing device using an embedded web server.*

(Emphasis added).

As amply demonstrated above, the combination of Benjamin and Ohara does not teach or suggest a consumable which stores web content on memory module attached to a print consumable, where the "web content" is *expressly* defined as being "included in a web page served up by said printing device using an embedded web server."

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by, Benjamin and Ohara, clearly did not include the subject matter of claim 32. Consequently, the cited prior art will not support a rejection of claim 32 and its dependent claims under 35 U.S.C. § 103 and *Graham*.

Claim 53:

Independent claim 53 recites:

> A method of providing web content for a printing device, said method comprising:
> storing web content on a memory module attached to a printing device consumable;
> uploading said web content from said memory module to said printing device when said consumable is installed in said printing device; and
> *serving up a web page with said printing device using an embedded web server, said web page comprising said web content provided to said printing device with said memory module attached to said printing device consumable.*

(Emphasis added).

As amply demonstrated above, the combination of Benjamin and Ohara does not teach or suggest the claimed method of providing web content for a printing device. Claim 53

specifically recites "uploading web content from said memory module from said memory module" and "serving up a web page with said printing device using an embedded web server, said web page comprising said web content." Importantly, the claimed web content is recited within claim 53 as being stored on a memory module" attached to "a printing device consumable" and then later uploaded to the printing device. The origin of the "web content" from a memory module attached to a printing device consumable provides the significant advantage of updating web content served by a printing device by simply inserting new print consumables to the printing device.

The current Office Action cites to Benjamin's teachings of "an internet address that can be transmitted to printer 1, and can automatically cause the printer's host processor to connect to the manufactures [sic] website." (Action, p. 6). The Action attempts, unreasonably, to equate these teachings with content that is served up as part of a web page. (Action, p. 6). One of skill in the art would clearly understand the difference between an internet address used to contact a website to request a web page and "web content" that is instead transmitted outward as part of a web page being served. In other words, Benjamin teaches a host with, presumably, a web *browser* that uses an internet address to request a web page from the manufacturer's website. This is clearly and unmistakably different from, and unrelated to, a web *server* embedded in a printing device that is, not requesting a web page, but outputting or "serving up" a web page. The current Office Action fails to appreciate this clear distinction between web browsers and web servers.

In sum, as demonstrated above, neither Benjamin nor Ohara, whether taken separately or in combination, teach or suggest a method for providing web content for a printing device by "uploading said web content from said memory module to said printing device" and "serving up a web page with said printing device using an embedded web server, said web

page comprising said web content." (Claim 53). This subject matter is entirely outside the scope and content of the cited prior art.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Benjamin and Ohara, does not include the subject matter of claim 53. Specifically, the combination of Benjamin and Ohara does not teach a method for providing web content for a printing device by "uploading said web content from said memory module to said printing device" and "serving up a web page with said printing device using an embedded web server, said web page comprising said web content."

The differences between the cited prior art and the claimed subject matter are significant because the claimed subject matter provides features and advantages with regard to periodically updating a web page served by a printer by insertion of print consumables into the printer. (*See* Appellant's specification, paragraphs 0022-0024, 0038). Consequently, the cited prior art will not support a rejection of claim 53 and its dependent claims under 35 U.S.C. § 103 and *Graham*.

(2) Claims 1, 32-34 and 53 are patentable over Phillips and Ohara.

Claim 1:

Independent claim 1 recites:

> A method of providing web content to a printing device, said method comprising attaching a memory module storing said web content to a printing device consumable;

wherein said web content comprises content that is included in a web page that is served up by said printing device using an embedded web server.

(Emphasis added).

In contrast, the combination of Phillips and Ohara does not teach or suggest a method of providing "web content" to a printing device using a memory module attached to a print consumable. To the contrary, Phillips appears to suffer from all the same deficiencies as described above with respect to Benjamin.

Specifically, Phillips does not teach or suggest the "web content" as recited by claim 1. Like Benjamin above, Phillips teaches providing a URL that can be used to contact a website and request data, such as a web page. Again, this is clear difference between browsers and servers, between requesting a web page and serving or providing a web page.

Nevertheless, the current Office Action erroneously asserts that "a URL" taught by Phillips (Phillips, col. 2, lines 8-18) constitutes the claimed "web content." (Action, p. 8). However, again, the URL taught by Phillips is simply an address for accessing a web page, and is not web content as expressly defined in claim 1. Specifically, the neither the URL nor any other content taught by Phillips can be the "web content" recited in claim 1 because no such content taught by Phillips is included in a "web page that is served up by said printing device using an embedded web server" as recited in claim 1. Accordingly, Phillips does not teach or suggest providing "web content" to a printing device using a memory module attached to a print consumable within the meaning of claim 1.

The Examiner concedes that Phillips does not disclose "wherein said web content comprises content that is included in a web page that is served up by said printing device using an embedded web server." (Action, p. 8) Consequently, the Examiner cites Ohara. However, Ohara does not remedy the shortcomings of Phillips. Specifically, Ohara does not

teach "web content" as expressly defined in claim 1 that is originating from "a memory module" attached to "a printing device consumable."

In contrast, as explained above, Ohara teaches a system in which information, in the form of a print job, is received by a printer over a network connection. (Ohara, Fig. 1; paragraph 0031). The printer comprises a Web server (25) that can provide "a printer function setting page, in which the setting of various functions of the printer 20 can be performed through the network NT, and a print progress monitoring page, which shows progress of a printing operation of a specified print request (print job)." (Ohara, paragraph 0033). Thus, while Ohara does teach a printer with a Web server, Ohara does not teach or suggest any aspect of the claimed method of providing web content to a printing device by "attaching a memory module storing said web content to a printing device consumable; wherein said web content comprises content that is included in a web page that is served up by said printing device using an embedded web server." (Claim 1).

Moreover, the features and advantages of Appellant's claimed subject matter were not available in the prior art. A significant advantage taught by the Appellant, namely updating web content served by a printing device simply by inserting new print consumables to the printing device, is not taught or disclosed by the prior art.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Phillips and Ohara, does not include the subject matter of claim 1, particularly, providing "web content" to a printing device using a "memory module attached to a print consumable."

The differences between the cited prior art and the claimed subject matter are significant because the claimed subject matter provides features and advantages that were not available in the cited prior art, namely periodically updating a web page served by a printer by simply inserting new print consumables into the printer. (*See* Appellant's specification, paragraphs 0022-0024, 0038). Consequently, the cited prior art will not support a rejection of claim 1 and its dependent claims under 35 U.S.C. § 103 and *Graham*.

Claim 32:

Independent claim 32 recites:

> A consumable for use with a printing device, said consumable comprising:
> a printing device consumable;
> a memory module attached to said printing device consumable; and
> *web content stored on said memory module, wherein said web content is included in a web page served up by said printing device using an embedded web server.*

(Emphasis added).

As amply demonstrated above, the combination of Phillips and Ohara does not teach or suggest a consumable which stores web content on memory module attached to a print consumable, where the "web content" is *expressly* defined as being "included in a web page served up by said printing device using an embedded web server."

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by, Phillips and Ohara, clearly did not include the subject matter of claim 32. Consequently, the cited prior art will not support a rejection of claim 32 and its dependent claims under 35 U.S.C. § 103 and *Graham*.

Claim 53:

Independent claim 53 recites:

> A method of providing web content for a printing device, said method comprising:
> storing web content on a memory module attached to a printing device consumable;
> uploading said web content from said memory module to said printing device when said consumable is installed in said printing device; and
> *serving up a web page with said printing device using an embedded web server, said web page comprising said web content provided to said printing device with said memory module attached to said printing device consumable.*

(Emphasis added).

As amply demonstrated above, the combination of Philips and Ohara does not teach or suggest the claimed method of providing web content for a printing device. Claim 53 specifically recites "uploading web content from said memory module from said memory module" and "serving up a web page with said printing device using an embedded web server, said web page comprising said web content." Importantly, the claimed web content is recited within claim 53 as being stored on a memory module" attached to "a printing device consumable" and then later uploaded to the printing device. The origin of the "web content" from a memory module attached to a printing device consumable provides the significant advantage of updating web content served by a printing device by simply inserting new print consumables to the printing device.

The current Office Action notes that Phillips teaches providing a URL. (Action, pp. 9-10). The Action then attempts, unreasonably, to equate these teachings with content that is served up as part of a web page. (Action, p. 9). One of skill in the art would clearly understand the difference between an internet address used to contact a website to request a web page and "web content" that is instead transmitted outward as part of a web page being

served. The current Office Action fails to appreciate this clear distinction between web browsers and web servers.

In sum, as demonstrated above, neither Phillips nor Ohara, whether taken separately or in combination, teach or suggest a method for providing web content for a printing device by "uploading said web content from said memory module to said printing device" and "serving up a web page with said printing device using an embedded web server, said web page comprising said web content." (Claim 53). This subject matter is entirely outside the scope and content of the cited prior art.

Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Phillips and Ohara, does not include the subject matter of claim 53. Specifically, the combination of Phillips and Ohara does not teach a method for providing web content for a printing device by "uploading said web content from said memory module to said printing device" and "serving up a web page with said printing device using an embedded web server, said web page comprising said web content."

The differences between the cited prior art and the claimed subject matter are significant because the claimed subject matter provides features and advantages with regard to periodically updating a web page served by a printer by insertion of print consumables into the printer. (*See* Appellant's specification, paragraphs 0022-0024, 0038). Consequently, the cited prior art will not support a rejection of claim 53 and its dependent claims under 35 U.S.C. § 103 and *Graham*.

(3) Claims 4-6 and 37 are patentable over Benjamin, Ohara and Amro:

This rejection should clearly not be sustained for at least the reasons given above in favor of the patentability of the corresponding independent claims.

Claim 4:

Additionally, claim 4 recites "further comprising uploading a web content interface from said memory module to a memory of said printing device." The Appellant's specification defines the term "web content interface" as follows.

> The web content interface (104) can be uploaded by a printer or printing device and *used to access the web content (103) that remains on the memory module* (110). The web content interface (104) is stored *as computer-readable instructions* that can be uploaded and executed by a host printer or printing device. The web content interface (104) may be written according to customer specifications.

(Appellant's specification, paragraph 22) (emphasis added).

The current Office Action concedes that "Benjamin and Ohara do not disclose expressly uploading a web content interface." (Action, p. 12). Accordingly, the Action cited to Amro a col. 6, lines 12-36. (*Id.*).

This cited portion of Amro states the following.

> FIG. 7 is a flow chart depicting one embodiment of a method 300 for allowing the portable digital device 110 to control the appliance 120. The method 300 is preferably used at the commencement of the interaction between the portable digital device 110 and the appliance 120. The portable digital device 110 provides a query to the appliance 120 using communication from the wireless communication port 112 to the wireless communication port 122, via step 310. The query requests the interface 270 from the appliance 120. The appliance 120 uploads the interface 270 to the portable digital device 120 using communication from the wireless communication port 122 to the wireless communication port 112, via step 320. In a preferred embodiment, step 320 includes copying the interface 270 from the memory 128 and providing the copy of the interface 270 to the wireless communication port 122. Preferably, step 320 also includes the portable digital device 110 receiving the copy of the interface 270 and temporarily storing the copy of the interface 270 in the memory 118 for use. Because the interface 270 includes APIs which are known, the general purpose control program 240 can utilize the interface 270 once the interface 270 has been uploaded

> and stored in the memory 118. Once uploaded, the interface 270 provides the portable digital device 110 with information relating to the configuration and the functions of the appliance 120. The general purpose control program 240 can thus control the appliance 120 using the interface 270, via step 330. Via the portable digital device 110, a user can thus remotely obtain data from and perform operations on the appliance 120.

(Amro, col. 6, lines 10-38).

Other than using the word "interface," it is unclear what relevance these teachings have to claim 4. Nor does the current Office Action provide any explanation.

The cited portion of Amro describes an interface for an appliance that allows a portable digital device to control that appliance. It is unclear what an appliance interface has to do with the claimed "*web content* interface." (Emphasis added).

Additionally, the portable device uploads the interface from the appliance, not from a memory module on a printing device consumable. Thus, Amro appears to be entirely inapposite to the subject matter of claim 4.

Amro, alone or in combination with Benjamin and Ohara, clearly does not teach or suggest anything about a web content interface or the specific method step of "uploading a web content interface from said memory module to a memory of said printing device." (Claim 4). To the contrary, the subject matter of claim 4 is clearly outside the scope and content of the cited prior art. For at least these additional reasons, the rejection of claim 4 and its dependent claim should not be sustained.

Claim 37:

Claim 37 recites "a web content interface stored on said memory module which, when uploaded to a printing device, allows access and use of said web content on said memory module." As demonstrated above, the combination of Benjamin, Ohara and Amro clearly does not teach or suggest the claimed web content interface that "allows access and use of

said web content on said memory module." There is no interface with this functionality taught or suggested in any of the cited prior art references. For at least these additional reasons, the rejection of claim 37 and its dependent claim should not be sustained.

(4) Claims 27-28 and 54-55 are patentable over Phillips, Ohara, and Richards.

This rejection should not be sustained for at least the same reasons given above in favor of the patentability of the independent claims.

Additionally, claims 27 and 54 recite "receiving data specifying desired web content from a purchaser of a printing device consumable." The final Office Action erroneously asserts that Richards teaches "receiving data specifying desired web content from a purchaser of a printing device consumable." (Action, p. 13). However, the portions of Richards cited by the Action disclose a unit monitor associated with replaceable module. (Richards, col. 4, lines 4-10). Although Richards goes to great length to recite various types of data that can be stored in the unit monitor (Richards, col. 4, line 4- col. 5, line 32), Richards neither discloses or suggests "web content" or any type of data that is received from "a purchaser of a printing device consumable." Consequently, the final Office Action has failed to actually identify the claimed subject matter in the teachings of the prior art.

Receiving data specifying desired web content from a purchaser of a printing device consumable provides the benefit of allowing the purchaser to specify web content customized for the purchaser's organization or needs. For example, the web content specified by the purchaser could be a customized web content interface that is written according to the customer specifications. (Appellant's specification, paragraph 0022).

Thus, for at least the additional reasons given above, the combination of Phillips, Ohara, and Richards does not teach or suggest the claimed subject matter of independent

claims 27 and 54. Under the analysis required by *Graham v. John Deere*, 383 U.S. 1 (1966) to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, as amply demonstrated above, the scope and content of the prior art, as evidenced by Phillips, Ohara, and Richards, did not include the subject matter of Applicant's claims 27 and 54. For at least these reasons, the rejection of claims 27 and 54 should not be sustained.

(5) Claims 29-31 and 56-58 are patentable over Phillips, Ohara, Richards, and Ishizuka.

This rejection should not be sustained for at least the same reasons given above in favor of the patentability of the independent claims.

Additionally, claims 29 and 56 recite "receiving data specifying said web content from a purchaser comprises receiving said web content through a terminal at a consumables sales facility." The Action concedes that Phillips, Ohara, and Richards to not teach the recited subject matter of claim 29 and 56.

Consequently the Action cites Ishizuka as disclosing "receiving data specifying said web content from a purchaser comprises receiving said web content through a terminal at a consumables sales facility." However, the portions of Ishizuka cited by the examiner, fail to teach or suggest "receiving web content" from a purchaser. (Ishizuka, paragraphs 0020, 0021).

Consequently, it is impossible for Ishizuka, to teach "receiving data specifying said web content from a purchaser comprises receiving said web content through a terminal at a consumables sales facility" as recited in claims 29 and 56. For at least these additional reasons, the rejection of claims 29 and 56 should not be sustained.

(6) Claim 35 is patentable over Phillips, Ohara and Richards.

This rejection should not be sustained for at least the same reasons given above in favor of the patentability of the independent claims.

In view of the foregoing, it is submitted that the final rejection of the pending claims is improper and should not be sustained. Therefore, a reversal of the Rejection of January 30, 2009 is respectfully requested.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. (previously presented) A method of providing web content to a printing device, said method comprising attaching a memory module storing said web content to a printing device consumable;

wherein said web content comprises content that is included in a web page that is served up by said printing device using an embedded web server.

2. (original) The method of claim 1, further comprising:

installing said printing device consumable in said printing device; and

interfacing said printing device and said memory module.

3. (original) The method of claim 2, further comprising uploading said web content from said memory module to a memory of said printing device.

4. (original) The method of claim 2, further comprising uploading a web content interface from said memory module to a memory of said printing device.

5. (previously presented) The method of claim 4, further comprising executing said web content interface with a controller of said printing device.

6. (original) The method of claim 5, further comprising using said web content on said memory module through said web content interface.

7-26. (cancelled)

27. (previously presented)The method of claim 1, further comprising:

receiving data specifying desired web content from a purchaser of a printing device consumable; and

storing said web content on said memory module attached to said printing device consumable.

28. (original) The method of claim 27, further comprising providing said printing device consumable with said memory module to said purchaser.

29. (original) The method of claim 27, wherein said receiving data specifying said web content from a purchaser comprises receiving said web content through a terminal at a consumables sales facility.

30. (original) The method of claim 27, wherein said receiving data specifying said web content from a purchaser comprises receiving said web content from said purchaser through a computer network.

31. (original) The method of claim 30, wherein said computer network comprises the Internet.

32. (previously presented)A consumable for use with a printing device, said consumable comprising:

a printing device consumable;

a memory module attached to said printing device consumable; and

web content stored on said memory module, wherein said web content is included in a web page served up by said printing device using an embedded web server.

33. (original) The consumable of claim 32, further comprising a wireless interface for said memory module for interfacing and communicating with a printing device.

34. (original) The consumable of claim 33, wherein said wireless interface comprises a radio frequency interface.

35. (original) The consumable of claim 33, wherein said wireless interface comprises an infrared interface.

36. (original) The consumable of claim 32, further comprising a wired interface for said memory module for interfacing and communicating with a printing device.

37. (original) The consumable of claim 32, further comprising a web content interface stored on said memory module which, when uploaded to a printing device, allows access and use of said web content on said memory module.

38-52. (cancelled)

53. (previously presented)A method of providing web content for a printing device, said method comprising:

storing web content on a memory module attached to a printing device consumable;

uploading said web content from said memory module to said printing device when said consumable is installed in said printing device; and

serving up a web page with said printing device using an embedded web server, said web page comprising said web content provided to said printing device with said memory module attached to said printing device consumable.

54. (previously presented)The method of claim 53, further comprising:

receiving data specifying desired web content from a purchaser of a printing device consumable;

storing said purchaser-specified web content on said memory module attached to said printing device consumable.

55. (previously presented)The method of claim 54, further comprising providing said printing device consumable with said memory module to said purchaser.

56. (previously presented)The method of claim 54, wherein said receiving data specifying said web content from a purchaser comprises receiving said web content through a terminal at a consumables sales facility.

57. (previously presented)The method of claim 54, wherein said receiving data specifying said web content from a purchaser comprises receiving said web content from said purchaser through a computer network.

58. (previously presented)The method of claim 57, wherein said computer network comprises the Internet.

IX. Evidence Appendix

None

X. Related Proceedings Appendix

None